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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES INC., and A.J. MADISON,

Plaintiffs,

vs.

JAMES SCHROEDER, in his official
capacity as head of the Oregon Health
Authority, and DOLORES MATTEUCCI, in
her official capacity as Superintendent of the
Oregon State Hospital,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY CENTER
FOR BEHAVIORAL HEALTH; LEGACY

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)
Case No. 6:22-cv-01460-MO (Member Case)

JOINT STATUS REPORT

HEALTH SYSTEM; PEACEHEALTH; and
PROVIDENCE HEALTH & SERVICES,

Intervenors.

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,

Plaintiffs,

DOLORES MATTEUCCI, Superintendent of
the Oregon State Hospital, in her individual
and official capacity, JAMES SCHROEDER,
Direction of the Oregon Health Authority, in
his official capacity, and PATRICK ALLEN
in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY CENTER
FOR BEHAVIORAL HEALTH; LEGACY
HEALTH SYSTEM; PEACEHEALTH; and
PROVIDENCE HEALTH & SERVICES
OREGON,

Plaintiffs,

vs.

JAMES SCHROEDER, in his official
capacity as Director of Oregon Health
Authority,

Defendant.

Case No. 3:21-cv-01637-MO (Member Case)

Case No. 6:22-cv-01460-MO (Member Case)

The parties, party-intervenors, and amici continue to engage in discussions facilitated by Magistrate Judge Beckerman. The parties believe that significant progress is being made on identifying areas of conceptual agreement among the parties, intervenors, and amici. Part of that

progress are the two unopposed motions for amendments to the Court's September order. Those amendments represent areas of common agreement; the changes contemplated in them simply require an order from the Court before they can be implemented.

The parties, party-intervenors, and amici continue to discuss 1) whether there are ways to create short-term expansions of community behavioral health capacity as a way to help alleviate capacity pressure at the state hospital, 2) what would be the least restrictive form of any further remedial order to continue to move the state hospital toward compliance, and 3) what other changes may be necessary to the September remedial order to insure that the state courts have the information they want to make appropriate discharge decisions and whether certain categories of patients ought to be allowed more time in the hospital.

This third item significantly overlaps with the two issues the Court requested further briefing on. The parties are hopeful that these discussions could result in an agreement that moots or resolves the legal issues without a need for adversarial briefing. The parties understand that Marion County nonetheless intends to brief the issue today. The parties remain committed to seeing this issue through in mediation and ask the Court to allow briefing from them on these points only if and when the mediation fails. The parties and amici are at an impasse with respect to the transport language and will submit competing proposals today.

DATED this 9th day of May, 2023.

LEVI MERRITHEW HORST PC

/s/ Jesse Merrithew

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DISABILITY RIGHTS OREGON

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DEPARTMENT OF JUSTICE

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